

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: AW/138/22/T

LOCATION: 20 The Oaks
Aldwick
PO21 3AE

PROPOSAL: 1no. Oak tree (T1):
 - Remove epicormic growth from main stem and about the crown-break (the height on the main stem at which the main limbs arise)
 - Crown lift by removing small diameter branches (<50mm) only to provide a maximum of four metres overhead clearance on all aspects.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is situated to the rear of the property, towards the north western boundary.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/88/20/T	Reduce 1no. oak tree Northeast and Southeast laterals to 7m	ApproveConditionally 19-05-20
AW/363/18/T	Reduce back branches on south aspect to clear residential building (at 19 The Oaks) by maximum of 3metres. Remove low branches as necessary (crown lift) to achieve maximum 3metres overhead clearance above property.	ApproveConditionally 12-02-19
AW/44/04/T	Crown thinning/reduction to one twin stemmed Oak tree to the rear of building	ApproveConditionally 05-05-04

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection:

- Members agreed that the Arun Arboriculturist is consulted regarding the application and that his recommendations/decisions be applied.

1 letter of Objection received from nearby occupiers:

- They have enjoyed the privacy and shade that this tree provides since 1998.
- The work proposed will greatly reduce this plus the habitat that it provides for the local wildlife.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

Outwardly and from applicant's rear garden/roadside only, this tree appears to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary.

It grows at the rear of the property but can be seen from numerous local dwellings and publicly accessible land. As such it has amenity value.

This large tree has suffered great intrusion from recent development to the south and east and consequently has a dominant presence over adjacent dwellings and gardens.

Past unsympathetic pruning has left several low limbs/branches truncated and sporting erratic regrowth in recovery. Nonetheless, this tree remains an important feature in the local landscape.

The removal of dead branches is an exception and does not require prior consent from the local planning authority.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

The removal of low branches to achieve 5m clearance above ground level (crown lifting) is not justified on arboricultural grounds and by volume exceeds that which is recommended in the British Standard (BS3998:2010) Tree work.

Crown thinning work has not been justified on arboricultural grounds. Such work rarely provides a benefit to the tree and often only a short-term increase in light levels.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant to be invited to agree to a revised proposal for lesser works (described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst preventing a diminution of the tree's landscape and amenity value:

'Remove epicormic growth from main stem and about the crown-break (the height on the main stem at which the main limbs arise)

Crown lift by removing small diameter branches (<50mm) only to provide a maximum of four metres overhead clearance on all aspects.'

If the applicant agrees to the above proposal, then I would be able to recommend APPROVAL subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Agent agreed to revised proposal for lesser works.

POLICY CONTEXT

Built Up Area Boundary

TPO

Pagham Harbour Zone B

2km Buffer for Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the Tree Officer and agreed revision of proposal with the agent, it is recommended consent be approved, subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice
- 2 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 3 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.